

# Court of Appeals, State of Michigan

## ORDER

People of MI v Douglas Michael Gould

Docket No. 302350

LC No. 08-013977-FH

William B. Murphy, C.J.  
Presiding Judge

David H. Sawyer

Joel P. Hoekstra  
Judges

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We considered appellant's application for leave to appeal under the standard for direct appeals, and not under the standard for appeals from orders denying relief from judgment pursuant to MCR 6.500 *et seq.*, for the reason that defendant's first appointed appellate counsel rendered ineffective assistance of counsel when she failed to file an application in a timely manner and thereby deprived defendant of his direct appeal. *People v Goodman*, 485 Mich 1119; 779 NW2d 254 (2010); *People v Mills*, 485 Mich 960; 774 NW2d 524 (2009). Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court REMANDS this matter to the sentencing court for a hearing the purpose of which will be to ascertain whether Offense Variable 14 was correctly scored. If the trial judge should determine that the scoring of that variable was improper, then it shall vacate the original sentence and proceed to resentence appellant under the corrected guidelines. In all other regards, the application for leave to appeal is DENIED for lack of merits in the grounds presented. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

SEP 13 2011

Date

  
Chief Clerk